

1 CHIEF JUDGE RICARDO S. MARTINEZ
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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 UNITED STATES OF AMERICA,) No. CR 19-203 RSM
8 Plaintiff,) ORDER GRANTING
9 v.) STIPULATED MOTION TO PROCEED
10 ANTHONY JACQUES MCKINNEY,) WITH SENTENCING BY VIDEO
11 Defendant.) REMOTE HEARING

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13 Anthony McKinney, joined by the United States of America, through his
14 counsel, Terry Kellogg, having filed a stipulated motion for an order authorizing
15 sentencing to proceed by videoconference as presently set December 11, 2020, the
16 Court finds the motion shall be GRANTED because further delays in this case risk
17 “serious harm to the interests of justice.” See General Order No. 04-20 (3/30/20).

18 The Court further FINDS

19 As a consequence of the COVID- pandemic, and General Orders 07-20, 08-20
20 and 11- 20, Mr. McKinney’s sentencing date was subsequently continued to July 17,
21 2020, August 21, 2020, and November 25, 2020.

22 Following discussions with his counsel undersigned, Mr. McKinney
23 unequivocally asks to proceed with sentencing as currently set, December 11, 2020, by
24 remote hearing with video conferencing as arranged by the Court. Mr. McKinney has
25 signed, through counsel, a waiver of his personal appearance for purposes of sentencing
26 [Docket No. 396] and asks the Court proceed with sentencing December 11, 2020.

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2 Pursuant to General Order 04-20, felony sentencing may proceed by video or
3 telephone conferencing if “the district judge in a particular case finds for specific
4 reasons that the plea or sentencing in that case cannot be further delayed without
5 serious harm to the interests of justice.” Through subsequent General Orders, the Court
6 has extended such procedures until at least January 1, 2021. GO 15-20.

7 The interests of justice are served by proceeding with sentencing of Mr.
8 McKinney through remote video hearing as set. Health concerns resulting from the
9 Covid – 19 pandemic may continue to result in extended delays of sentencing. The
10 conditions of confinement at FDC Seatac are such that Mr. McKinney hopes to avail
11 himself of the earliest possible placement and transfer to his designated facility so that
12 he can commence programming under less stringent conditions of confinement that he
13 has experienced in the past year. These conditions include, limited visitation with his
14 family in addition to the generally abhorrent conditions of detention at FDC Seatac.

15 The congressional enactment of the Coronavirus Aid, Relief, and Economic
16 Safety Act (“CARES Act”) provides criminal proceedings, including sentencing, may
17 proceed by video conferencing given the findings by the Administrative Office of the
18 United States Courts that the Covid -19 emergency materially affects the functioning of
19 the federal courts generally and that a felony sentencing in this district under Rule 32 of
20 the Federal Rules of Criminal Procedure cannot be conducted in person without
21 seriously jeopardizing public health and safety. See GO 04 – 20 at 2 and CARES Act §
22 15002(b)(2)(A). Such remote hearings have taken place from the Federal Detention
23 Center in this district for several months.

24 Based upon the findings set forth above the Court FINDS further delay would
25 cause “serious harm to the interests of justice,” and does therefor

1 ORDER sentencing shall proceed on December 11, 2020 by way of remote
2 video court hearing.

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4 DATED this 3rd day of December, 2020.

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8 RICARDO S. MARTINEZ
9 CHIEF UNITED STATES DISTRICT
10 JUDGE